



WEB COPY

W.P.(MD)No.3228 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.3228 of 2021

and W.M.P. (MD) Nos.2555 & 2556 of 2021

(Through Video Conferencing)

A.Kalyanasundaram : Petitioner

Vs.

1.The Tamilnadu State Cooperative
Societies Election Commission,
Annasalai, Chennai.

2.The District Cooperative Societies Election Officer,
Deputy Registrar Cooperative Societies
Tiruchendur
Thoothukudi District.

3.The Election Officer/
The Cooperative Sub Registrar,
(Inspection)
Deputy Registrar Office
Tiruchendur,
Thoothukudi District.

4.Arumuganeri Primary Agriculture
Cooperative Credit Society EE 418
No.328 LF Road,
Arumuganeri
Tiruchendur Taluk
Tuticorin District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records relating to the impugned order in EP(CV) - 01/2021 dated 29.01.2021 issued by the 2nd respondent published in Dinamalar Tamil Daily Newspaper on 01.02.2021 insofar as it relates to the 4th respondent society and quash the same.

For Petitioner : Mr.R.Vijayakumar
For Respondents : Mr.G.Rajendran for R1
Standing counsel

<https://hcservices.ecourts.gov.in/hcservices/>



Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.B.Bhagawathy for R2 to R4
Government Advocate

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ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to challenge the election notification issued, being a member of Cooperative Society.

2. The learned counsel for the petitioner submitted that there is no power or authority for issuing the election notification.

3. The learned Additional Advocate General produced the records to show that there is compliance of Rules 52(1)(b) and 52(5)(a) of the Tamilnadu Cooperative Societies Rules 1988 by sending a copy of the programme so drawn.

4. We do not find any merit in this writ petition. The petitioner is only a member of the society. He did not even contest the election. The election process was drawn and concluded. Of the three valid nominations, two of them withdrew the same and there is only one candidate. Thus, the election process has already been set in motion. Law is quite settled one, once the election process is set in motion, this Court shall not interfere by exercising the discretionary power under Article 226 of the Constitution of India. Right to contest in the election is only a statutory right. There is also an alternative remedy available under the statute.

5. In any case, the alleged non compliance of Rule 52 of the said Rules would only be procedural in nature and therefore, unless the prejudice is shown along with materials to substantiate non compliance, the challenge cannot be sustained. In the case on hand, the petitioner has neither shown any prejudice nor produced any materials to show that there is non compliance. Thus, looking from any perspective, we do not find any merit in this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tamilnadu State Cooperative
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Annasalai, Chennai.

2.The District Cooperative Societies Election Officer,
Deputy Registrar Cooperative Societies
Tiruchendur
Thoothukudi District.

3.The Election Officer/
The Cooperative Sub Registrar,
(Inspection)
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Tiruchendur,
Thoothukudi District.

+1 CC to M/s.R.VIJAYA KUMAR, Advocate (SR-6281[F] dated
19/02/2021)

W.P. (MD)No.3228 of 2021

Dated: 18.02.2021

kvn(CO)

KK(02.03.2021) 3P 5C